

**IDAHO CONTRACTORS BOARD**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 6/18/2013**

**BOARD MEMBERS PRESENT:** Steve Pinther - Chair  
Larren D Novak  
John Robert Pilote  
Scott Schriber  
Debbie Karren

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Administrative Support Manager  
Marcie Rightnowar, Appeals Hearing  
Coordinator  
Maurie Ellsworth, Legal Counsel  
Eric Nelson, Board Prosecutor  
Erin Anderson, Technical Records Specialist I

**OTHERS PRESENT:** Dustin Tanning

The meeting was called to order at 8:30 AM MDT by Steve Pinther.

**APPROVAL OF MINUTES**

Mr. Pilote made a motion to approve the minutes of 4/30/2013. It was seconded by Mr. Novak. Motion carried.

**LEGISLATIVE REPORT**

Ms. Cory gave the legislative report. She informed the Board of an increase in the appropriation that was approved by legislature. This was not an increase in funding but an increase in spending authority. This will allow the Board to continue to catch up on the case backlog.

**FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board has a cash balance of \$290,843.61 as of 5/31/2013. She also noted that currently the Board's expenses are exceeding its income. Discussion was held on accounts at collections and the current number of registrants.

Ms. Hall discussed verbiage changes that include adding information about Public Works and Construction Manager License to the renewal forms. A motion

was made by Mr. Pilote to accept these changes. It was seconded by Mr. Novak. Motion carried.

## **DISCIPLINE**

Mr. Nelson presented a memorandum for Board review. He discussed with the Board numerous options that are available for the imposition of fines due to lack of insurance. A motion was made by Mr. Pilote to impose fines, and costs and fees in the stipulation only if the contractor is actively registered. It was seconded by Mr. Novak. Motion carried.

The Board discussed case number CON-2012-4. A motion was made by Mr. Novak to forward the matter to the Plumbing Board. It was seconded by Mr. Pilote. Motion carried.

Mr. Pilote made a motion to close CON-2013-72. It was seconded by Mr. Novak. Motion carried.

Mr. Schriber made a motion to close CON-2011-91. It was seconded by Ms. Karren. Motion carried.

Mr. Novak made a motion to close CON-2013-25. It was seconded by Mr. Schriber. Motion carried.

Mr. Novak made a motion to close CON-2011-29. It was seconded by Mr. Schriber. Motion carried.

Mr. Pilote made a motion to close CON-2012-54 with a warning letter. It was seconded by Mr. Novak. Motion carried.

Mr. Novak made a motion to close CON-2011-86. It was seconded by Ms. Karren. Motion carried.

Ms. Karren made a motion to close CON-2012-20 with a warning letter. It was seconded by Mr. Schriber. Motion carried.

Mr. Novak made a motion to close CON-2010-70 with a cease and desist letter. It was seconded by Ms. Karren. Motion carried.

Mr. Schriber made a motion to close CON-2012-25. It was seconded by Ms. Karren. Motion carried.

The Board gave its recommendations for appropriate discipline on the remaining cases in the memorandum.

Mr. Nelson presented a Stipulation and Consent Order in case number CON-2011-88. Mr. Pilote made a motion to approve the Consent Order and allow the

Board Chair to sign on behalf of the Board. It was seconded by Mr. Schriber. Motion carried.

Mr. Nelson presented a Stipulation and Consent Order in case number CON-2012-43. Mr. Schriber made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Pilote. Motion carried.

Mr. Nelson presented a Stipulation and Consent Order in case number CON-2012-76. Mr. Pilote made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Novak. Motion carried.

Mr. Nelson presented a Stipulation and Consent Order in case number CON-2013-12. Mr. Schriber made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Novak. Motion carried.

Mr. Nelson presented a Stipulation and Consent Order in case numbers CON-2013-56, CON-2013-18, CON-2013-33 and CON-2013-41. Mr. Novak made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Karren. Motion carried.

Mr. Nelson presented the Findings of Fact, Conclusions of Law and Final Orders in case numbers CON-2012-24, CON-2013-45 and Con-2013-60. Mr. Pilote made a motion to approve the Findings of Fact, Conclusions of Law and Final Orders and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Novak. Motion carried.

## **EXECUTIVE SESSION**

Mr. Schriber made a motion that the Board go into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Karren. The vote was: Mr. Schriber, aye; Mr. Novak, aye; Mr. Pinther, aye; Mr. Pilote, aye; and Ms. Karren, aye. Motion carried.

Mr. Novak made a motion to come out of executive session. It was seconded by Mr. Schriber. The vote was: Mr. Schriber, aye; Mr. Novak, aye; Mr. Pinther, aye; Mr. Pilote, aye; and Ms. Karren, aye. Motion carried.

## **APPLICATIONS**

Mr. Novak made a motion to approve the following applicant for registration once all required information is received to complete the application. It was seconded by Ms. Karren. Motion carried:

#901061825

Mr. Novak made a motion to approve the following applicant for registration. It was seconded by Ms. Karren. Motion carried:

RCE-35492 RMT Inc.

Mr. Novak made a motion to approve the following applicant for registration once corrected liability insurance is received. It was seconded by Mr. Schriber. Motion carried:

#901127249

Mr. Novak made a motion to approve the following applicants for registration. It was seconded by Ms. Karren. Motion carried:

RCE-34848 CP Fisher and the Mudslingers Inc.  
RCE-35488 Rock Canyon Industries LLC

Mr. Novak made a motion to approve the following applicant for registration once requested information has been received. It was seconded by Mr. Pilote. Motion carried:

#901126554

Mr. Novak made a motion to table the following applicant for further review at the next scheduled meeting. Included in this motion was the request for applicant to provide proof of payment of fine, costs and fees for a recent disciplinary action against him. It was seconded by Mr. Pilote. Motion carried:

#901068047

## **INVESTIGATIVE REPORT**

Ms. Rightnowar gave the investigative report, which is linked above. The Board made the following motions:

Mr. Pilote made a motion to close I-CON-2013-73, I-CON-2013-73, I-CON-2013-73, I-CON-2013-112, I-CON-2013-81, I-CON-2013-82, I-CON-2013-83, I-CON-2013-88, I-CON-2013-84, I-CON-2013-85, I-CON-2013-86, I-CON-2013-87, I-

CON-2013-110, I-CON-2013-111, I-CON-2013-132, I-CON-2013-115, I-CON-2013-117, I-CON-2013-120, I-CON-2013-136, I-CON-2013-137, I-CON-2013-138, I-CON-2013-122, I-CON-2013-126, I-CON-2013-124, I-CON-2013-127, I-CON-2013-128 and I-CON-2013-131. It was seconded by Mr. Novak. Motion carried.

Mr. Novak made a motion to close I-CON-2011-49, I-CON-2011-129, I-CON-2011-130, I-CON-2012-10, I-CON-2012-88, I-CON-2012-138, and I-CON-2012-147. It was seconded by Ms. Karren. Motion carried.

Mr. Schriber made a motion to close I-CON-2013-48, I-CON-2013-72, I-CON-2013-75, I-CON-2013-92, I-CON-2013-106, I-CON-2013-129 and I-CON-2013-133. It was seconded by Mr. Novak. Motion carried.

## **INSURANCE AUDIT**

Ms. Anderson reported to the Board the current numbers from the annual insurance audit:

|     |                               |
|-----|-------------------------------|
| 227 | Total Audited                 |
| 184 | Complied                      |
| 19  | Canceled                      |
| 21  | Transferred to investigations |
| 3   | Pending                       |

## **NATIONAL ASSOCIATION OF STATE CONTRACTORS LICENSING AGENCIES**

Ms. Anderson provided the Board with the annual membership invoice to NASCLA. Mr. Pilote made a motion to approve payment of the invoice. It was seconded by Mr. Novak. Motion carried.

Ms. Anderson presented to the Board NASCLA's request for attendance at the 2013 Annual Conference. Mr. Novak made a motion to approve up to two Board members to attend and up to two Bureau staff to attend. It was seconded by Mr. Schriber.

Ms. Anderson presented the 2013 Report of the States. Mr. Novak made a motion to accept the report with its updates and to submit to NASCLA. It was seconded by Mr. Pilote. Motion carried.

## **CORRESPONDENCE**

The Board reviewed e-mail correspondence from Mr. Bruce Dire. Mr. Pilote made a motion to Mr. Ellsworth to draft a letter informing Mr. Dire that the Board does not give legal advice.

**NEXT MEETING** was scheduled for 7/23/2013.

**ADJOURNMENT**

A motion to adjourn was made by Mr. Pinther at 1:10 PM. It was seconded by all. Motion carried.

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Steve Pinther, Chair

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Larren D Novak

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John Robert Pilote

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Scott Schriber

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Debbie Karren

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Tana Cory, Bureau Chief